



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(96,164-DD)

In re Application of:

Albaugh, et al.

Serial No.: 10/090,935

Filed: March 5, 2002

For: Novel Fused Pyrrolecarboxamides:
A New Class of GABA Brain
Receptor Ligands

Before the Examiner:
RAMSUER, Robert K.

Art Unit: 1626

Confirmation No. 7662

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A
PRIOR PATENT**

Mail Stop Patent Ext.
Commissioner for Patents
P. O. Box 1450
Washington, D.C. 20231

Sir:

Petitioner, **NEUROGEN CORPORATION**, is the owner of the entire interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 6,353,109, issued March 5, 2002. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that said patent and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154-156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record and is empowered to

07/08/2003 JADD01 00000030 10090935

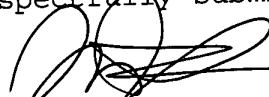
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execute the terminal disclaimer and to act on behalf of the organization pursuant to 37 C.F.R. § 1.321.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,



Dated: June 30, 2003

Steven J. Sarussi
Registration No. 32,784

Attorney of Record for

Neurogen Corporation
35 Northeast Industrial Road
Branford, Connecticut 06405

x Terminal disclaimer fee under 37 C.F.R. 1.20(d) is included.

McDonnell Boehnen Hulbert & Berghoff
300 South Wacker Drive, Suite 3200
Chicago, Illinois 60606
Telephone: 312-913-0001
Facsimile: 312-913-0002